

S.B.Civil Second Appeal No.382/2005.

Om Prakash and others.

vs.

Pratap Singh and others.

Date : 24.4.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.V Agarwal, for the appellants.

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Heard learned counsel for the appellant.

The trial court dismissed the suit of the plaintiffs/respondents for specific performance of contract by judgment and decree dated 20.7.1999. The plaintiffs' first appeal was allowed by the first appellate court by judgment and decree dated 27.9.2003. Hence, this second appeal by the defendants/appellants.

Learned counsel for the appellants submitted that the first appellate court committed serious error of law in reversing the judgment and decree of the trial court and passing the decree against the appellants.

It is not in dispute that the land in question is in possession of the plaintiffs since 25.8.1984 and the

plaintiffs paid Rs.25,000/- as consideration for the agreement to sale. The only amount due is Rs.6,500/-. The plaintiffs are in possession of the suit property since 1984 and the two courts below found the agreement to sale in question proved and the first appellate court held that the plaintiffs were ready and willing to purchase the property in dispute. In view of the above, I do not find any substantial question of law involved in this appeal.

Consequently, this second appeal, having no merit, is hereby dismissed.

S.Phophaliya

(PRAKASH TATIA), J.